

UNITED STATES COURT OF FEDERAL CLAIMS

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10/17/2024

Case 1:24-cv-01511-LAS 24-1511C

Loren A. Smith, Senior Judge

Response to Order to Show Cause

Introduction

Plaintiff ROBERT ALLEN BAUTISTA®/Attorney-In-Fact submits this response to the Court's Order to Show Cause regarding subject matter jurisdiction. This Court has jurisdiction over this matter pursuant to the Tucker Act, 28 U.S.C. §§ 1346(a) and 1491, and under the principles of diversity jurisdiction.

I. Subject Matter Jurisdiction

Federal Rule of Civil Procedure 12(h)(3) mandates that if a court finds it lacks subject matter jurisdiction, it must dismiss the action. Here, subject matter jurisdiction is firmly established through two principal avenues: diversity jurisdiction and exclusive jurisdiction over violations of federal laws.

A. Diversity Jurisdiction

The claim exceeds the jurisdictional threshold of \$75,000 and involves parties from different states, satisfying the criteria for diversity jurisdiction. As articulated in 28 U.S.C. § 1332, this Court is empowered to hear cases where the amount in controversy exceeds \$75,000 and the parties are citizens of different states.

B. Exclusive Jurisdiction under the Tucker Act

The Tucker Act provides this Court with exclusive jurisdiction to hear claims against the United States for monetary damages. Specifically, the Tucker Act allows for the pursuit of claims for violations of contractual agreements, such as the breach of a "passport application." This claim, exceeding the \$10,000 threshold, falls squarely within the ambit of the Tucker Act.

1. Contractual Claims

Plaintiff asserts a breach of a contractual agreement, which gives rise to a claim under the Tucker Act. The government's actions directly violate this contract, warranting redress.

2. Noncontractual Claims

The Tucker Act also encompasses noncontractual claims where the plaintiff seeks the return of money paid to the government or asserts entitlement to payment. The nature of the claims supports jurisdiction under both categories.

II. Exclusive Jurisdiction for Violations of Federal Law

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This Court holds exclusive jurisdiction over cases that involve violations of federal laws, which is relevant to this matter. The claim directly involves the application of federal statutes governing contracts, including the United States Constitution and relevant provisions of the Uniform Commercial Code (UCC).

III. Conclusion

For the reasons outlined above, this Court possesses subject matter jurisdiction over this action. The combination of diversity jurisdiction, the Tucker Act's provisions, and the exclusive jurisdiction over violations of federal law collectively affirm that this Court is the proper venue for the resolution of Plaintiff's claims.

Plaintiff respectfully requests that the Court deny the Order to Show Cause and allow the case to proceed.

Respectfully submitted,

ROBERT ALLEN BAUTISTA®

Attorney-In-Fact

10/17/2024

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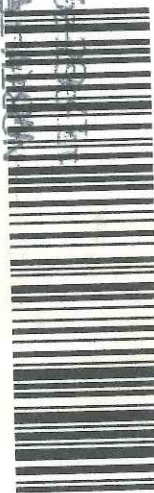
BY: Robert Allen Bautista /agent

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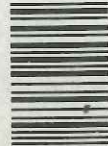
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